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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3624 OF 2007

Pintu @ Navnath Dagadu Khapale .. Applicant

V/s

The State of Maharashtra .. Respondent

Mr.S.S. Salunkhe for the applicant.

Mr.Rajesh More, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 29TH NOVEMBER 2007

P.C. :

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.

2. The applicant has been arrested in connection with the crime registered under C.R. No.145 of 2007 with the Pandharpur Taluka Police Station, punishable under section 302 of the I.P.C.

3. The prosecution case in short is that on the night between 26th and 27th June 2007, when one Govind Sadhu Kapale (for short "the deceased") was sleeping in front of his vasti, at about 1.00 - 1.30 a.m. the

applicant caused his murder by inflicting injury to the forehead of the deceased. The wife of the deceased stated that she heard some noise and, therefore, she woke up when she noticed that there was no electric power and there was completely darkness. She noticed one tall thin person who was wearing only a lungi running away from the place. The person did not stop, but ran away. When she went to her husband, she found that her husband was murdered. In her statement before the police, she stated that on account of darkness, she was unable to see properly. There is no other eye witness to the crime.

4. The investigation has been completed and charge-sheet has been filed. Learned A.P.P. on the instructions of the P.S.I. who is present in court, states that no evidence directly connecting the applicant to the crime has been found. The lungi worn by the culprit has also not been recovered from the applicant. There were no injuries or blood stains on the body of the applicant. The applicant is suspected because of the previous enmity between him and the deceased over the boundary dispute and the quarrel between them which had happened a few days before the date of incident.

5. The applicant is in jail since 30th June 2007,

that is for a period of about 5 months. The trial is not likely to commence soon. Taking an overall view and taking into consideration the nature of evidence available, in my view, this is a fit case for grant of bail to the applicant. Hence, I pass the following order:-

ORDER

The applicant shall be released on bail on executing a personal bond of Rs.50,000/- with one or two sureties of the total amount of Rs.50,000/- in connection with the crime bearing C.R. No.145/2007 registered with Pandharpur Taluka Police Station, subject to the following conditions:

(a) The applicant shall not leave Solapur District without prior permission of the Sessions Court.

(b) The applicant shall not make any inducement nor give any threats to any of the prosecution witnesses and shall not in any manner tamper with the prosecution witnesses.

(c) The applicant shall report to the police station once every month between 1st and 5th of the British calender month.

(D.G. KARNIK, J.)